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09/560,509	04/27/2000	Jeffrey D. Meyer	10002145-1	3122

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EXAMINER

DELGADO, MICHAEL A

ART UNIT	PAPER NUMBER
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2143

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DATE MAILED: 11/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/560,509

Applicant(s)

MEYER ET AL.

Examiner

Michael S. A. Delgado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 20-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 20-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., individual data collector, page 11, line 18 of argument) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).
2. In response to the argument that the collector does not have a separate encapsulator, aggregator and data store. Separating a composite function in individual function does make the new function patentable. See *In re Nerwin v. Erlichman*, 168 USPQ 177 (1969).
3. Applicant's arguments with respect to claims 1, 14, 17, 24 and 25 with respect to a configuration server have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-14, 1-18 and 20-31 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,405,251 by Bullard et al.

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In claim 1, Bullard teaches about a network usage recording system comprising (Col 1, lines 15-30):

A collector “ data collector system” including (Col 15, lines 45-65):

an encapsulator “ NAR processing (Fig 14, 306, 302)” for reading a plurality of network data records from a network data source and converting the network data records to a plurality of normalized metered events (Col 15, lines 45-65);

an aggregator for processing the normalized metered events to create aggregated normalized metered events (Col 15, lines 60-65); and

data storage system “Local store , (Fig 14, 314)” ,wherein the aggregator periodically stores the aggregated normalized metered events in the data storage system (Col 16, lines 1-10).

a configuration server “ Policy Server, (Fig 31, 754)” (Col 32, lines 43-67), (Fig 22) in communication with the encapsulator, the aggregator and the data storage system, wherein the configuration server stores configuration data for the encapsulator, the aggregator and the data storage system, and the data storage system (Col 23, lines 10-25) that determines whether the collector operates as a network data collector or a correlator collector (Fig 14, 308) (Col 15, lines 45-65).

In claim 2, Bullard teaches about a system of claim 1, wherein the aggregator includes volatile memory “Local store , (Fig 14, 314)” for temporary storage of the aggregated normalized metered events (Col 20, lines 10-30).

In claim 4, Bullard teaches about a system of claim 1, wherein the configuration server communicates the configuration data to the encapsulator, the aggregator and the data storage system at start-up “service provision” (Col 20, lines 10-30).

In claim 5, Bullard teaches about a system of claim 1, further comprising a collector shell “equipment interface” (Col 16, lines 10-35), wherein the configuration server communicates with the encapsulator, the aggregator and the data storage system via a collector shell (Col 32, lines 43-67).

In claim 6, Bullard teaches about a system of claim 1, further comprising a query manager “SQL database management system” in communication with the data storage system for querying the data storage system (Col 18, lines 39-67).

In claim 7, Bullard teaches about a system of claim 6, wherein the query manager is in communication with the data storage system via the aggregator (Col 18, lines 39-67).

In claim 8, Bullard teaches about a system of claim 1, further comprising a statistics log, wherein the statistics log is in communication with the encapsulator, the aggregator and the data storage system for logging statistical data (Col 6, lines 1-15).

In claim 9, Bullard teaches about a system of claim 8, further comprising a collector operator, wherein the collector operator “service management” communicates with the encapsulator, the aggregator, the data storage system and the statistics log (Col 6, lines 1-15) to provide administrative access (Col 32, lines 30-60).

In claim 10, Bullard teaches about a system of claim 1, wherein the encapsulator further includes a parser for parsing “integrity analysis of specific data” network data received from the network data source (Col 10, lines 45-65).

In claim 11, Bullard teaches about a system 1, wherein the collector is configured as a network data collector “data collector system” (Col 16, lines 1-10).

In claim 12, Bullard teaches about a system of claim 1, wherein the collector is configured as a correlator collector (Col 15, lines 60-65).

In claim 13, Bullard teaches about a system of claim 1, wherein the collector is configured to perform additional levels of data reduction and consolidation of data stored in other collectors (Col 19, lines 1-30).

In claim 14, Bullard teaches about a network usage recording system comprising:
a collector system including:

- a collector shell “equipment interface” (Col 16, lines 10-25);

- a query manager “SQL database management system” (Col 18, lines 39-67);

- an encapsulator “NAR processing (Fig 14, 306, 302)” (Col 16, lines 10-25);

- an aggregator (Col 15, lines 60-65);

- a data storage system “Local store , (Fig 14, 314)” (Col 16, lines 1-10); and

- a configuration server “Policy Server, (Fig 31, 754)” (Col 32, lines 43-67), (Fig 22) in communication with the encapsulator, the aggregator and the data storage system, the configuration server stores configuration data for collect (Col 23, lines 10-25) that determines whether the collector system operates as a network data collector or a correlator collector (Fig 14, 306, 308) (Col 15, lines 45-65).

In claim 16, Bullard teaches about a system of claim 14, wherein the configuration server communicates with the encapsulator, the aggregator and the data storage system via the collector shell "equipment interface" (Col 16, lines 10-25), (Col 32, lines 43-67).

In claim 17, Bullard teaches about a method for recording network usage comprising the steps of (Col 1, lines 15-30):

defining a collector including an encapsulator, an aggregator and a data storage system (Col 15, lines 45-65);

operating the encapsulator to read a plurality of network data records from a network data source and convert the network data records to a plurality of normalized metered events (Col 18, lines 39-67);

aggregating the plurality of normalized metered events to create a plurality of aggregated normalized metered events (Col 16, lines 38-50); and

storing the aggregated normalized metered events in the data storage system "Local store , (Fig 14, 314)" at periodic intervals "time stamp" (Col 9, lines 55-67);

defining a configuration server "Policy Server, (Fig 31, 754)" (Col 32, lines 43-67), (Fig 22) in communication with the encapsulator, the aggregator and the data storage system, storing configuration data for the encapsulator, the aggregator and the data storage system in the configuration server (Col 23, lines 10-25) where the configuration data determines whether the collector operates as a network data collector or a correlator collector (Fig 14, 306, 308) (Col 15, lines 45-65).

In claim 18, Bullard teaches about a method of claim 17, further comprising the steps of defining the aggregator to include volatile memory and storing the aggregated normalized

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metered events temporarily in the volatile memory “Local store , (Fig 14, 314)” ,(Col 20, lines 10-30).

In claim 20, Bullard teaches about a method of claim 17, further comprising the step of transferring the configuration data to the encapsulator, the aggregator and the data storage system at start-up “service provisioning” (Col 32, lines 43-67), (Fig 31).

In claim 21, Bullard teaches about a method of claim 17, further comprising the step of defining a query manager in communication with the data storage system for managing queries of the data storage system “ SQL database management system” (Col 18, lines 39-67).

In claim 22, Bullard teaches about a method of claim 17, further comprising the step of defining a statistics log in communication with the encapsulator, the aggregator and the data storage system, and collecting statistics associated with the encapsulator, the aggregator and the data storage system in the statistics log (Col 6, lines 1-15).

In claim 23, Bullard teaches about a method of claim 17, further comprising the step of parsing “integrity analysis of specific data” the network data records from the usage data source read by the encapsulator (Col 10, lines 45-60).

In claim 24, Bullard teaches about a computer readable medium containing instructions for controlling a computer system to perform a method for recording network usage comprising the steps of (Col 1, lines 15-30):

defining a collector “ data collector system” including an encapsulator, an aggregator and a data storage system (Col 15, lines 45-65);

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operating the encapsulator “ NAR processing (Fig 14, 306, 302)” to read a plurality of network data records from a network data source and convert the network data records to a plurality of normalized metered events (Col 16, lines 35-55);

aggregating the plurality of normalized metered events to create a plurality of aggregated normalized metered events (Col 16, lines 60-65);

storing the aggregated normalized metered events in the data storage system “Local store , (Fig 14, 314)” at periodic intervals “time stamp” (Col 9, lines 55-67); and defining a configuration server “ Policy Server, (Fig 31, 754)” (Col 32, lines 43-67), (Fig 22) in communication with the encapsulator, the aggregator and the data storage system; and

storing configuration data for the encapsulator, the aggregator and the data storage system in the configuration server (Col 23, lines 10-25) where the configuration - determines whether the collector operates as a network data collector or a correlator collector (Fig 14, 306, 308) (Col 15, lines 45-65).

In claim 25, Bullard teaches about a network usage recording system comprising:

a plurality of configurable collectors “ data collectors” (Col 22, lines 10-25), where each collector configurable to operate as one of a plurality of collector types “set of metrics” (Col 22, lines 10-25), the collector types including a data collector and a correlator collector (Col 15, lines 45-65);

a configuration server “ Policy Server, (Fig 31, 754)” (Col 32, lines 43-67), (Fig 22) in communication with each configurable collector , where the configuration server stores configuration data for each configurable collector (Col 23, lines 10-25) that determines the collector type for each collector “service management feedback”, and once the configuration

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data is transferred to each configurable collector, each collector becomes the collector type associated with the configuration data (Fig 14, 308) (Col 32, lines 30-65).

In claim 26, Bullard teaches about a system of claim 25, wherein the collector types include an aggregator collector (Col 15, lines 60-65).

In claim 27, Bullard teaches about a system of claim 25, where each configurable collector includes three configurable components: an encapsulator “ NAR processing (Fig 14, 306, 302)”, an aggregator (Col 15, lines 60-65) and a data storage system “Local store , (Fig 14, 314)”.

In claim 28, Bullard teaches about a system of claim 27, where the configuration data includes encapsulator configuration data, aggregator configuration data and data storage system configuration data (Col 32, lines 30-65).

In claim 29, Bullard teaches about a system of claim 27, wherein the configuration data includes aggregator configuration data, and where the aggregator configuration data includes a flush policy “ update and moving data with respect to time at local store ” , aggregation scheme and rules (Col 16, lines 1-15).

In claim 30, Bullard teaches about a system of claim 25, where each configurable collector independently queries (Col 6, lines 30-55) the configuration server for configuration

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data, and the configuration server transfers the configuration data for each configurable collector to the corresponding configurable collector (Col 32, lines 30-65).

In claim 31, Bullard teaches about a system of claim 30, where each configurable collector queries the configuration server at start-up “ service provisioning” of the configurable collector (Col 32, lines 30-65).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent No. 6,230,203 by Koperda et al., teaches about a system and method for providing statistics for flexible billing in a cable environment.

US Patent No. 6,446,200 by Ball et al., teaches about a Service management.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. A. Delgado whose telephone number is 703-305-8057. The examiner can normally be reached on 8 AM - 4.30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.



MD

November 7, 2003



DAVID WILEY
SUPERVISORY PATENT EXAMINER
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